

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

NINO GADDINI,

Petitioner,

v.

ROBERT AYERS, Warden,

Respondent.

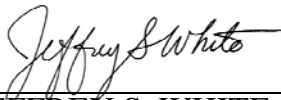
No. C 07-1070 JSW (PR)

ORDER OF DISMISSAL

Petitioner filed this petition for a writ of habeas corpus under 28 U.S.C. § 2254 on February 21, 2007. On July 26, 2007, the Court dismissed the petition with leave to amend within thirty days (docket no. 5). In the Court's order, Petitioner was warned that failure to respond to the Court's order by the deadline would result in dismissal of this action without prejudice. More than 60 days have passed since the Court's order and Petitioner has not responded. Accordingly, Petitioner's action is hereby dismissed without prejudice for failure to prosecute and to comply with a court order pursuant to Fed. R. Civ. P. 41(b). *See Link v. Wabash R.R.*, 370 U.S. 626, 633 (1962); *McKeever v. Block*, 932 F.2d 795, 797 (9th Cir. 1991). The Clerk shall terminate any pending motions as moot, close the file and enter judgment in this matter.

IT IS SO ORDERED.

DATED: October 25, 2007

  
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JEFFREY S. WHITE  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

NINO GADDINI,

Plaintiff,

v.

ROBERT AYERS et al,

Defendant.

Case Number: CV07-01070 JSW

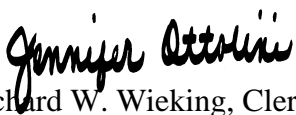
**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on October 25, 2007, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Nino Gaddini  
F22217  
CSP-San Quentin  
San Quentin, CA 94974

Dated: October 25, 2007

  
Richard W. Wieking, Clerk  
By: Jennifer Ottolini, Deputy Clerk